

LIECHTENSTEIN 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Principality of Liechtenstein is a multiparty constitutional monarchy with a parliamentary government. Prince Hans Adam II is the official head of state, although Hereditary Prince Alois performs the day-to-day duties of head of state, exercising the rights of office on behalf of the reigning prince. The unicameral parliament (Landtag) nominates, and the monarch appoints, members of the government. Five ministers, two from the Progressive Citizens' Party and three from the Patriotic Union Party, formed a coalition government following free and fair parliamentary elections on February 8.

The national police maintain internal security and report to the Department of Civil Defense. Civilian authorities maintained effective control over the security forces. There were no reports of abuses committed by members of the national police.

There were no reports of significant human rights abuses.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses or engage in corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or

Punishment

The constitution and law prohibit such practices, and there were no reports that government officials employed them. There were no reports of impunity in the security forces.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Pursuant to bilateral treaties with Austria and Switzerland, the country's authorities accommodated Liechtenstein long-term prisoners in Austria and confined prisoners undergoing release procedures in detention centers in Switzerland.

Individuals undergoing pretrial detention or awaiting deportation and extradition continued to be held in the country's only prison, which had a 20-bed capacity. Since the facility served as a short-term prison, authorities asserted they could not always separate different categories of detainees. Female detainees had their own section with four beds. Due to lack of space and the generally low number of juvenile detainees, authorities usually accommodated juveniles in the women's ward. According to the Liechtenstein Human Rights Association (LHRA), some juveniles faced long-term imprisonment in Austrian facilities far away from their families or were held in Austrian prisons with adults. In 2020 offenses committed by juveniles increased, which raised the number of juveniles held in Austria during the year.

Physical Conditions: There were no major concerns in the prison or asylum center regarding physical conditions or inmate abuse.

Administration: Authorities conducted investigations of credible allegations of mistreatment.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers, including local human rights groups, media, and the Council of Europe's **Committee** for the Prevention of Torture (CPT), among others. The CPT last visited the country in 2016.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Police detain a suspect based on an arrest warrant issued by the national court. According to the law, every detainee must be informed of the reasons for the detention at the time of detention or immediately thereafter. Within 48 hours of arrest, police must bring suspects before an examining magistrate, who must either file formal charges or order the suspect's release. Authorities respected this right. The law permits the release of suspects on personal recognizance or bail unless the examining magistrate has reason to believe the suspect represents a danger to society or will not appear for trial. Alternatives to bail include supervision by a probation officer and restrictions on movement. The law grants suspects the right to a lawyer of their own choosing during pretrial detention, and the government provided lawyers at its own expense to indigent persons. During the investigative detention, authorities may monitor visits to prevent tampering with evidence.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. Defendants enjoy the presumption of innocence and the right to be informed promptly and in detail of charges. Trials were conducted in a fair and timely manner. Defendants have the right to be present at their trial.

Defendants can communicate with an attorney of their choice, at public expense if the defendant is indigent. They and their lawyers are allotted adequate time and facilities to prepare a defense. Defendants have access to free interpretation as

necessary from the moment they are charged through all appeals. Defendants may challenge witnesses and evidence, and present witnesses and evidence on their own behalf. They have the right not to testify or confess guilt. Convicted persons have the right to appeal, ultimately to the Supreme Court.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights abuses through domestic courts. Individuals and organizations may appeal adverse domestic decisions involving alleged violations of the European Convention on Human Rights to the European Court of Human Rights.

Property Seizure and Restitution

In 2001 an independent commission of historians examined the country's role during World War II. The commission examined all remaining archives of banks, fiduciaries, attorneys, governmental agencies, and art collections for evidence of stolen assets. The commission found no evidence that looted Jewish holdings entered the country or were in 2001 held in the country. According to the World Jewish Restitution Organization Claims Conference, during the year there were no claims of this kind by survivors.

The government has no laws in place specifically regulating resolution of Holocaust-era claims, but general laws and mechanisms to claim stolen cultural goods exist.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly in July 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and there were no reports that the

government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the press and Other Media

The constitution and law provide for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

Freedom of Expression: The law prohibits public insults, including via electronic means, directed against an individual's race, language, ethnicity, religion, world view, gender, disability, age, and sexual orientation, with a possible prison sentence of up to two years for violations. In 2020, nine infractions against this law on discrimination were registered, of which seven were resolved in that authorities were able to successfully close the case. There was no information on any prosecutions or penalties for these infractions.

Libel/Slander Laws: The law prohibits the disparagement of religious teachings. Anyone who publicly disparages a person or a thing that is the object of worship of a church or religious society established within the country or a religious doctrine, custom, or institution of such a church or a legally permissible institution in a manner that "is likely to give rise to justifiable annoyance" is liable to imprisonment not exceeding six months or to a fine of up to 360 days' pay. During the year there were no reports of enforcement or convictions under these provisions.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The law allows asylum seekers under deportation orders to be granted an appeal hearing if requested within five days after the decision. The law permits persons from safe countries of origin who are ruled to be ineligible for asylum to be processed for denial of asylum within a maximum of seven days.

The LHRA expressed concern that the law does not contain hardship provisions for family reunification, especially for children. There were no reports of family

separations among asylum seekers or refugees.

Safe Country of Origin/Transit: Persons entering the country from another safe country, including other countries in the Schengen area, Kosovo, North Macedonia, Serbia, Benin, and Ghana, among others, are not eligible for asylum and are deported.

Freedom of Movement: In some cases authorities detained unsuccessful asylum applicants pending their deportation. In 2020 there were seven cases of detention of unsuccessful asylum applicants prior to their deportation.

Temporary Protection: The government also provided subsidiary and humanitarian protection to individuals who may not qualify as refugees and provided it to 10 persons during 2020.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: On February 8, the country held parliamentary elections. There were no reports of irregularities.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and they did participate. During the year women's representation in parliament increased. Seven women held seats in the 25-member parliament, compared with three in the previous legislative period. Three of the five ministers in the cabinet were women.

As a hereditary monarchy, the country's line of succession is restricted to male descendants of the country's princely family. In 2020 the Women's Network, an umbrella organization of women's nongovernmental organizations (NGOs) in the country, criticized the male line of succession as undermining the constitution's

principles.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were no reports of government corruption during the year.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. In May, UNICEF published the results of a questionnaire and research on the rights of children in the country that it conducted between November 2019 and June 2020. UNICEF reported no government interference of any kind.

Government officials were cooperative and responsive to the views of human rights groups.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape, including spousal rape, is a criminal offense. Penalties for rape and sexual violence vary between six months' and 15 years' imprisonment, depending on the degree of violence and humiliation of the victim, and between 10 years' and lifetime imprisonment if the victim is killed. The penalties are the same for rapes of women and men. The government effectively prosecuted individuals accused of such crimes.

The law prohibits all forms of domestic violence and provides for restraining orders against violent family members. Police may prohibit an abuser from

returning to the victim's home where the violence was committed. Penalties for domestic violence range from monetary fines to lifetime imprisonment if the victim is killed. According to the law, victims who migrated to the country and who have been married to a citizen for less than five years are required to prove their victim status or sufficient integration into the country's society to avoid losing their marriage-based residence permits. The government enforced the law effectively.

In 2020 there were 75 police interventions registered under the law against spousal abuse, 24 of which led to criminal charges. Witnesses' willingness to testify in abuse cases sometimes limited efforts to prosecute cases.

In 2020 the country's only women's shelter, Frauenhaus, assisted 10 women affected by domestic violence. Frauenhaus provided counseling in 51 cases related to spousal violence. The women's resource and counseling NGO Infra was contacted 30 times regarding violence against women. The Association for Male Questions counseled four men (one perpetrator and three victims) on spousal violence and received three men in its shelter.

Sexual Harassment: Sexual harassment is illegal and punishable by up to six months in prison or a fine, and the government effectively enforced these prohibitions. Stalking is a criminal offense. The government also considers "mobbing," including pressure, harassment, or blackmail tactics in the workplace, to be a crime. In 2019 the national police recorded three cases of sexual harassment, and Infra assisted survivors in 21 cases of sexual harassment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception was available as part of clinical management of rape.

Discrimination: Women enjoy the same legal rights as men. The government's enforcement of the labor contract and equal opportunity law was not entirely effective. According to the LHRA, the main problem was that victims do not bring potential cases of discrimination to court. A lack of judicial precedents also leaves

it unclear what practices and policies companies should adopt to comply with the laws governing discrimination. According to the LHRA, the Department for Equal Opportunity continued to face decreases in human and financial resources that prevented it from being more visible to the public and raising awareness.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibits acts of discrimination based on racist, xenophobic, or other reasons, with violators subject to up to two years of imprisonment. The law explicitly covers acts of spreading hatred or calls for violence against members of racial, ethnic, or religious minority groups. The government generally enforced the law effectively.

There were no cases of racial or ethnic violence reported in 2020, but news reports indicated that non-Caucasians experienced being treated as a foreign element not belonging to the country and occasionally faced derogatory comments.

Authorities did not divide the nine reported criminal cases involving discrimination in 2020 into subcategories; it was unclear how many of the cases involved discrimination based on race, ethnicity, or gender. The government did not condone or carry out violence or discrimination against members of racial, ethnic, or religious minority groups.

Children

Birth Registration: Citizenship is derived at birth from a child's parents. Either parent may convey citizenship. A child born in the country to stateless parents may acquire citizenship after five years of residence. All children are registered at birth.

Child Abuse: The law protects children against sexual exploitation and sexual abuse, including inside the family. The law stipulates a reporting obligation for the Office of Social Services if it learns of or suspects sexual abuse of children and adolescents. There is an Ombudsman Office for Children and Young People. The Victims Assistance Office, which specializes in assistance and support for individuals who have been affected directly in their physical, psychological, or sexual integrity, also aided children. An interdisciplinary Expert Group against the

Sexual Abuse of Children and Young People facilitated the protection of children against sexual exploitation and sexual abuse. In 2020 the country's only women's shelter, Frauenhaus, assisted 10 children.

Child, Early, and Forced Marriage: The legal minimum age of marriage for both girls and boys is 18 years.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of minors. Penalties for the sexual exploitation of minors range from one to 10 years' imprisonment. Possession or distribution of child pornography is a criminal offense, with penalties including up to three years in prison. Authorities effectively enforced these prohibitions. In 2020 the national police recorded six cases of child sexual abuse of minors. The law sets the minimum age for consensual sex at 14.

Under an agreement with the government, the Institute for Social Services' section for child protection in Dornbirn, Austria, provided counseling in potential cases of sexual abuse in the country. The LHRA anticipated the arrangement would result in a marked improvement in the quality of services available in the country in view of the institute's expertise.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's Annual Report on International Parental Child Abduction at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish community consisted of fewer than 20 individuals. During the year there were no reports of anti-Semitic acts.

Trafficking in Persons

There were no confirmed reports during the year that Liechtenstein was a source, destination, or transit country for victims of human trafficking.

Persons with Disabilities

The government's implementation of laws and programs to ensure that persons with disabilities readily had access to employment, buildings, information, health services, the judicial system, transport, and communications was not entirely effective. According to the LHRA and the Liechtenstein Association for Persons with Disabilities (LAPD), there was little improvement in comparison with previous years. In general, the government reacted positively and cooperatively to initiatives by NGOs but did not proactively engage to better the situation of persons with disabilities. For example, COVID-19 regulations and government press conferences were conducted without sign language interpreters. Following a LAPD initiative, the government positively reacted to provide interpreters. The LHRA and LAPD also noted that some government projects for persons with disabilities suffered setbacks due to COVID-19 contact restrictions.

According to the LHRA, persons with disabilities were not sufficiently integrated into the labor market and education systems.

The law mandates that public kindergartens and schools as well as public transportation systems built after 2006 must be accessible to persons with disabilities. Children with disabilities were able to attend public schools or a segregated school established by the country's remedial center. According to the LAPD, there were marked improvements in barrier-free access to public kindergartens and schools. The association also noted that there was still a shortage of barrier-free, affordable housing for families with children with disabilities.

The law requires public buildings constructed before 2002 to be barrier free by 2019 and public buildings constructed between 2002 and 2007 to be barrier free by 2027. NGOs reported that the former deadline was not met, and many old public buildings still lacked the necessary renovations. The law does not contain a penalty for noncompliance, but noncompliant building owners can be sued.

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities. There were no reports of laws or government actions or inactions limiting the rights of persons with disabilities to participate in

civic life.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The country's lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community made no formal complaints during the year of abuse or discrimination, including against persons with HIV and AIDS. The LHRA noted, however, that the law does not provide for LGBTQI+ persons to change their civil status to reflect gender reassignment or changed gender identity. The LHRA stated there is also no possibility of indicating a third sex on official documents.

The law prohibits discrimination by state and nonstate actors, based on gender and sexual orientation, particularly with respect to essential goods and services such as housing, employment, and access to government services such as healthcare. It also prohibits debasement, slander, and incitement to hate based on an individual's gender and sexual orientation and prohibits the refusal of general services based on an individual's gender and sexual orientation. The government generally enforced the law.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of all workers to form and join independent unions of their choice and to bargain collectively. The law provides for freedom of assembly but is silent on the right to strike. The law neither prohibits antiunion discrimination nor requires reinstatement of workers fired for union activity.

The government adequately enforced applicable laws, and the government and employers respected freedom of association and collective bargaining in practice. Penalties in the form of fines were commensurate with those for similar crimes, and inspection was sufficient to enforce compliance.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Penalties for violations

were criminal and commensurate with those for similar crimes. The government effectively enforced the law.

The LHRA reported no incidents involving forced or compulsory labor, including incidents involving children. In 2020 the Liechtenstein Institute published a study on employment relationships in the private home-care sector, where work was often performed by migrant women. The study made no allegations of compulsory labor but noted that employment relationships in home care are not subject to a compulsory standard employment contract and that provisions such as maximum working hours may not be respected. The LHRA, the women's resource and counseling NGO Infra, and the labor union Liechtenstein Workers Association have called for parliament to bring home care under the jurisdiction of national labor law.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor and sets the minimum age for employment at 16, with exceptions for limited employment of children between the ages of 14 and 16. Children between the ages of 14 and 16 may engage in certain categories of light work, but those of compulsory school age (through age 15) may work no more than nine hours per week during the school year and 35 hours per week during school vacations. Children younger than 15 may be employed for the purposes of cultural, artistic, athletic, and advertising events. Working hours for youths between the ages of 15 and 18 are not to exceed 40 hours a week. The law prohibits children younger than 17 from working overtime and prohibits children through age 18 from engaging in night work or Sunday shifts. The law stipulates that an employer must consider the health of minors and provide them a proper moral environment within the workplace. The law also stipulates that employers may not overexert minors and that employers must protect the child from "negative influences" within the workplace.

The Office for Worker Safety of the Department of National Economy effectively enforced child labor laws and devoted adequate resources and oversight to child labor policies. Legal penalties were commensurate with those for similar crimes, and inspections by trained inspectors were adequate to enforce compliance. The LHRA did not report any violations of the prohibition on child labor or minimum

working age during the year.

d. Discrimination with Respect to Employment and Occupation

The law prohibits employment discrimination based on gender and disability. The law does not specifically prohibit employment discrimination based on race, religion, national origin, color, ethnicity, age, gender identity, HIV/AIDS, or refugee status. Violations may result in the award of compensation to a prospective or dismissed employee equal to at least three months' salary in the case of gender discrimination, and unspecified civil damages in the case of discrimination against persons with disabilities.

The government generally enforced the law. The country's labor inspectorate was sufficient to enforce compliance. Penalties were not commensurate with those for similar civil rights violations. According to statements by the Liechtenstein Institute and the LAPD, women, persons with disabilities, and LGBTQI+ individuals experienced discrimination in the labor market. In 2018 the European Commission against Racism and Intolerance expressed concerns that members of the LGBTQI+ community encountered prejudice and employment discrimination.

According to the 2020 *Human Rights Report* of the Liechtenstein Institute, women in the country earned a median income 15 percent lower than that of men. In its *Agenda 2030* program, the government noted that a large part of the difference was explained by factors such as education level, and that the unexplained wage difference between genders was "very small." The Women's Network also noted a marked difference between men and women persisted in professional promotions; the government's Agenda 2030 program noted that 5 percent of male employees held top-level management positions, but this was true for only 1 percent of female employees. A May 2020 analysis by the Swiss Center of Expertise on Human Rights found that immigrant workers experienced workplace discrimination, including based on gender, race, nationality, and religion.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law does not provide for a national minimum wage. The Liechtenstein Workers Association, a labor union, negotiates voluntary

collective bargaining agreements with the Chamber of Commerce on a sector-by-sector basis. Minimum wages are reset annually in a wage and protocol agreement. Collective bargaining and wage agreements were effectively enforced, and wages exceeded the poverty level.

The law sets the maximum workweek at 45 hours for professional workers, employees of industrial firms, and sales personnel and 48 hours for other workers. Separate provisions apply to minors (see section 7.c.). Overtime may not exceed an average workweek of 48 hours over a period of four consecutive months. Some exceptions to overtime limits were authorized, for example, in the area of medical treatment.

Occupational Safety and Health: The law sets occupational safety and health standards that were appropriate for the main industries in the country. The labor standards also cover the thousands of workers who commuted daily from neighboring countries. There are additional safeguards for youths, pregnant and breastfeeding women, and employees with children. Responsibility for identifying unsafe situations remained with occupational safety and health experts, not with workers.

The Office of Labor Inspection, a part of the Department of National Economy, effectively enforced labor laws on working conditions. The agency had a sufficient number of inspectors authorized to make unannounced inspections and levy sanctions to enforce the law effectively. The Country's Labor Inspectorate carried out 297 inspections in 2020, up from 109 in 2019, and 25 inspections resulted in recommendations to employers regarding health and safety measures or regulations governing working hours. The Labor Inspectorate issued 18 reports to the National Police based on investigations of workplace accidents. Penalties were commensurate with those for similar violations.

Infra noted the working conditions of domestic workers and nurses employed in private homes were not subject to inspections or official labor contracts, which made the sectors vulnerable to exploitation.